

MINUTES
HEARING INSTRUMENT SPECIALIST BOARD
January 10, 2007 - 9:00 A.M.
Room 402 - Fourth Floor - Heber Wells Bldg.
160 East 300 South
Salt Lake City, Utah

CONVENED: 9:00 a.m.

ADJOURNED: 12:28 p.m.

PRESENT:

Clyde Ormond, Bureau Manager
Jacky Adams, Board Secretary

Board Members:

Bruce Sharp	Paul Littlefield
Morris Mower	Lowell Brown
Kent Milligan	

ABSENT:

GUESTS:

Robert Heygster, Utah Association of Health Professionals;
Steve Eklund, Administrative Law Judge

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

Approve Minutes from the
October 11, 2006 meeting

Mr. Littlefield seconded by Mr. Mower made a motion to approve the October 11, 2006 Board Meeting minutes, with corrections, the motion carried unanimously.

APPOINTMENTS:

9:15 a.m. – Brown, Curtis Lamont

Mr. Brown met with the Board to review his application to become a Hearing Instrument Intern with Mr. John Alba as his supervisor.

It was determined the Mr. Brown and Mr. Alba meet the requirements for licensure.

Mr. Brown seconded by Mr. Littlefield made a motion to approve Mr. Alba as Mr. Brown's supervisor, the motion carried unanimously.

9:30 a.m. – Neville, Marnell

Ms. Neville met with the Board to review her application to become a Hearing Instrument Intern with Mr. David Benson as her supervisor.

It was determined the Ms. Neville and Mr. Benson meet the requirements for licensure.

Mr. Mower seconded by Mr. Littlefield made a motion to approve Mr. Benson as Ms. Neville's supervisor, the motion carried unanimously.

9:45 a.m. – Lerohl, Steven

Mr. Lerohl met with the Board to review his application for licensure as a HIS (Hearing Instrument Specialist) by endorsement. It was determined that Mr. Lerohl met all requirements for licensure.

Mr. Brown seconded by Mr. Mower made a motion to approve Mr. Lerohl for licensure, the motion carried unanimously.

10:00 a.m. – VanOrden, Chet

Mr. VanOrden met with the Board to review his application to become a Hearing Instrument Intern with Mr. Norwood E Pendleton as his supervisor.

It was determined the Mr. VanOrden and Mr. Pendleton meet the requirements for licensure.

Mr. Brown seconded by Mr. Mower made a motion to approve Mr. Pendleton as Mr. VanOrden's supervisor, the motion carried unanimously.

Break

10:15 a.m. – Nielson, Mark

Mr. Nielson met with the Board to review his application for licensure as it relates to his Psychological Evaluation, conducted by Dr. Peter M Byrne and his Psychological Consult, conducted by Dr. Sean T Casey.

Mr. Nielson explained that he has been offered several jobs as a HIS. However, none of the jobs have been within this State.

Mr. Brown seconded by Mr. Littlefield made a motion to go into a closed section to discuss Mr. Nielson's Psychological Evaluation and Consult, the motion carried unanimously.

11:00 a.m. – Steve Eklund

Mr. Eklund attended the meeting and explained that he would be conducting individual interviews with all Board members concerning an upcoming hearing. Mr. Littlefield left the meeting. At approximately 11:30 Mr. Littlefield returned and Mr. Sharp left.

11:25 Reopened section

Mr. Milligan seconded by Mr. Brown made a motion to reopen the meeting, the motion carried unanimously, with Mr. Littlefield not voting due to being excused for a Voir Dire interview with Judge Eklund.

Mr. Sharp then explained that at this time the Board did not feel that Mr. Nielson had fully recovered from all of his past problems, and Board felt that a period of time is needed to enable Mr. Nielson to prove to the Board that he was and would continue to be of good moral character.

Mr. Brown seconded by Mr. Milligan made a motion to deny Mr. Nielson's license for a period of one-year until Mr. Nielson can prove that he is:

- Of good moral character; and
- Will continue attending AA meetings for substance abuse,

The motion carried unanimously, with Mr. Littlefield not voting due to being excused for a Voir Dire interview with Judge Eklund.

12:30 p.m.- Webster, Kris

Ms. Webster met with the board to review her application as a Hearing Instrument Intern with Mr. Todd Lee as her supervisor.

It was determined the Mr. Lee did not meet the requirements for approval, as a Hearing Instrument Supervisor. A request for a new

supervisor will be submitted from Ms. Webster.

Mr. Brown seconded by Mr. Mower made a motion to deny Mr. Lee as Ms. Webster's supervisor, the motion carried unanimously.

12:45 p.m. – Handy, Todd

Mr. Handy met with the board to review his application for a change of his Hearing Instrument Internship Supervisor. Mr. Handy made this determined due to the lack of time Mr. Ball was available for Supervision. Mr. Handy requested for Devin Kuerth to become his new Supervisor.

Due to Mr. Handy being the owner of Intermountain Hearing, Mr. Ormond questioned Mr. Handy how he would handle a situation if Mr. Kuerth did not feel that Mr. Handy was making appropriate progress. Mr. Handy commented that he would understand and that Mr. Kuerth would not be reprimanded for his feelings.

Mr. Littlefield seconded by Mr. Milligan made a motion to approve Mr. Kuerth as Mr. Handy's new Supervisor, the motion carried unanimously.

A Supervisor Log will be sent to Mr. Handy, to help Mr. Kuerth keep track of all aspects of this Internship.

1:00 p.m. - Steve Eklund

Mr. Mower and Mr. Milligan where then interviewed.

DISCUSSION ITEMS:

DOPL Investigation Closed Case Review

Mr. Davis submitted an updated "Summary of Investigation Activities Yearend 2006". He explained that within the past year a total of:

- 12 Complaints were received;
- 21 Complaints were Closed; and
- 7 Complaints were still Open

Mr. Davis then explained that a considerable number of actions have been taken within this profession considering the small number of licensees. He then further explained that a lot of the complaints are false advertising type issues, which the Division is working diligently to rectify.

Mr. Ormond then questioned Mr. Davis if the board implemented an ethical requirement within their CE (Continuing Education) if this may help to decrease the number of complaints. Mr. Davis agreed that this might help.

Rules Changes – Bob Heygster

Mr. Heygster had several issues he wished to discuss with the Board:

- 1) R156-46a-502a (11) Mr. Heygster is suggest adding an additional section which will read “failing to identify in the Bill of Sale the technical description of the hearing instrument(s), specifically including whether they are digital or analog, and if digital, the number of independently adjustable frequency-specific bands that can be adjusted for intensity by the HIS, and the number of channels in which the HIS can adjust compression ratios, kneepoints, gain and output.”

Mr. Heygster suggested this change due to a concern that the public might not be given the appropriate information concerning the hearing instruments they are purchasing.

After an extensive conversation Mr. Ormond stated that he would discuss the proposal with the Attorney Generals office to determine if this change would be appropriate.

Mr. Littlefield seconded by Mr. Milligan made a motion to add this paragraph to

R156-46a502a, the motion carried unanimously.

- 2) R156-46a-502a (9) Mr. Heygster also suggested changing the wording under this section to read “supervising more than one hearing instrument intern at any time”.

Mr. Heygster is suggesting this change due to his feeling that Hearing Instrument Interns are not getting the best education nor is it in the best interest of the public to allow a HIS two interns at the same time. His reasoning was due to a concern that this profession’s technology changes so much each year, that to allow a HIS two interns, the intern may not be obtaining an adequate education in all aspects for this profession.

Mr. Ormond expressed a concern that by doing this it may cause a shortage of qualified Interns within the industry. However, he did agree that the intern program might need to be revised, adding that at present if a HIS has bad habits, he passes those on to his Intern. Mr. Sharp then added that by implementing Mr. Heygster’s suggestions it might be a way to limit the number of interns coming into the industry, which could cause Hearing Instrument Supervisors to better train their Interns.

Mr. Milligan suggested adding a time frame before allowing an intern to start with a HIS. Mr. Heygster agreed suggesting changing the Law to require the HIS to be licensed in good standing for four-years and only allowing them to have one intern at a time, Mr. Milligan agreed. Mr. Ormond then reminded the Board that this would require a statutory change.

Mr. Ormond then suggested adding an exam that the HIS must take prior to being able to supervise an Intern, or if an Intern is found

to be in violation of R156-46a-502a the Unprofessional Conduct Code the Supervisor could be disciplined as well as the Intern. Mr. Sharp disagreed with requiring a HIS to take an exam, commenting that he felt that the current exams were sufficient.

Mr. Heygster stated that education of a HIS is not the issue it is the experience that the HIS holds that is the issue. Mr. Heygster commented that for some HIS's it can take four to five years to be a proficient HIS. Mr. Milligan and Mr. Littlefield commented that they did not feel that it was a risk to the public for a HIS to have two interns as long as both were not in direct supervision at the same time.

Mr. Littlefield seconded by Mr. Milligan made a motion to change the Rules to only allow one intern per HIS, and that the HIS must be within one-hour of the Intern at all times while the Intern is working, the motion carried unanimously.

Mr. Ormond then commented that he would review other professions statutes to determine how they have handled this situation.

- 3) Mr. Heygster also suggested a change to R156-46a-304 (4) requesting that it be changed to read "Hearing Instrument Specialist shall maintain good standing and meet all education requirements for re-certification and renewal of the NBCHIS (National Board for Certification in Hearing Instrument Sciences), and will obtain a minimum of eight hours of continuing education each year between October 1 and the following September 30, said hours to be approved by the IHS (International Hearing Society)." Mr. Heygster's reasoning behind this

request is that Utah requires an individual to obtain twenty hours of CE (Continuing Education) in a two-year period, where NBCHIS requirements are eight hours per year. He felt that by making this change it would equal out the requirements between the two agencies, which will make it easier for the licensees.

Mr. Ormond agreed stating that he would review the rules for this profession to determine if the change is possible. Mr. Heygster then added that he felt that eight hours of CE should be required for Hearing Instrument Interns as well. This suggestion was well received by the Board, and Mr. Ormond stated he would look in to this issue and see what legal problems will arise.

Mr. Brown seconded by Mr. Mower made a motion to make this change to the Rule, the motion carried unanimously.

Pepper, Mark

Mr. Ormond explained that Mr. Pepper had signed a Stipulation and Order on November 22, 2006, surrendering his license to practice as a HIS. Mr. Pepper pleaded guilty to Theft on or around October 3, 2005, this charge was later dismissed on October 10, 2006.

The Stipulation and Order required Mr. Pepper to surrender his license to practice for a period of five years.

NBCHIS

Mr. Ormond explained that NBCHIS (National Board of Certification Hearing Instrument Sciences) is rewriting their exam. They are no longer allowing anyone to set for this exam, until the new one is implemented. Mr. Heygster questioned if another exam could be given in its place. Mr. Ormond explained that this might not be necessary due to the ILE (International Licensing Exam) being basically the same exam. Mr. Brown agreed.

After further review it was determined that it is a statutory requirement to take and pass the NBCHIS prior to licensure as a HIS.

Title 13 Chapter 11a

Mr. Ormond reviewed Title 13 Chapter 11a for the Board. The purpose of this Title is to prevent deceptive, misleading, and false advertising practice, which is a large problem with this profession. Mr. Ormond then explaining that it might be a good idea to add this Title, by reference, to R156-46a-502a (5).

Mr. Ormond will review this issue with Lenore Epstein, Attorney Generals Office, to determine if this is possible. Mr. Ormond will also discuss this issue with Mr. Davis to determine if additional training needs to be done with DOPL investigations.

Mr. Heygster also added that he would discuss this issue with the Hearing Healthcare Providers of Utah Society, and request that Darlene Saiz respond with any comments.

Hearing Instrument Intern

Mr. Ormond explained that the Division, with the hopes that it will help Hearing Instrument Interns and HIS's keep track of the hours and training given/received, has implemented a new form.

After a through review of the documents Mr. Littlefield seconded by Mr. Mower made a motion to approve using this document for all new Interns, contingent upon adding an attestation of the information being true and accurate, motion carried unanimously.

Deseret Morning News Article – An Outrageous Position

A news article was reviewed by the Board regarding a School District violating Title 52 Chapter 4 the “Open and Public Meetings”. Mr. Ormond then explained how important it is for all meetings to remain open unless

CORRESPONDENCE:

Intermountain Hearing Center

there is a viable reason to close them. No further action was taken.

Mr. Sharp reviewed a letter, which was received from Todd Handy and Todd Godfrey, the new owners of Intermountain Hearing Centers. The letter introduced themselves to the Division and the Board.

NEXT SCHEDULED MEETING:

April 11, 2007

DATE APPROVED

CHAIRPERSON, HEARING INSTRUMENT
SPECIALIST BOARD

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING